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BILL ANALYSIS

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House Bill 4258 (as passed by the House)
Sponsor: Representative Lisa Posthumus Lyons
House Committee: Families, Children, and Seniors
Senate Committee: Families, Seniors, and Human Services

Date Completed: 5-2-11

CONTENT

The bill would amend the Public Health Code to do the following:

- **Require the State Registrar to issue an heirloom birth certificate, upon request and payment of a fee.**
- **Require the Department of Community Health (DCH) to promulgate rules establishing the fee and include an amount above the actual cost, for deposit into the Children's Trust Fund.**
- **Require the State Registrar to establish procedures allowing the purchase of a gift card or certificate that could be redeemed for an heirloom birth certificate.**
- **Require the DCH to market and promote heirloom birth certificates.**

An heirloom birth certificate would represent the birth of the individual named on the original birth record or certificate. The State Registrar could establish procedures for the administration of an heirloom birth certificate. He or she would have to establish procedures to allow the purchase of a gift card or certificate that an eligible person could redeem to purchase an heirloom birth certificate. (The State Registrar is a person appointed by the DCH Director to administer the system of vital statistics.)

The DCH would have to promulgate rules establishing the amount of the fee for each separate design of an heirloom birth certificate. The DCH would have to establish each fee in an amount that was more than the estimated actual cost to the Department for a similar design, not to exceed the estimated fair market value of a comparable artistic rendition. The State Registrar would have to transmit the portion exceeding preparation and administrative costs to the State Treasurer for deposit as a gift or donation into the Children's Trust Fund.

The DCH would have to design each heirloom birth certificate available for issue consistent with the form and content prescribed under Section 2811 of the Code, and so it was suitable for display. An heirloom birth certificate could bear the seal of the State and be signed by the Governor. (Under Section 2811, vital records and certificates must conform as nearly as possible to recognized national standardized forms, including the entry of Social Security numbers as required to comply with Federal law.)

An heirloom birth certificate would not be an official record of birth and it would not be the active birth certificate of the individual whose name appeared on the document.

An heirloom birth certificate would be in addition to the birth record copies and certificates issued under Section 2882 and would be subject to the limitations of that section. (Section 2882 requires the State Registrar or a local registrar, upon request and payment of a fee, to issue a certified copy of a live birth record, an affidavit of parentage, or a record of stillbirth to one of the following:

- The individual who is the subject of the record.
- A parent named in the record.
- An heir, a legal representative, or a legal guardian of the individual who is the subject of the record.
- A court of competent jurisdiction.

If the live birth record is 100 or more years old, a certified copy of the record may be issued to any applicant.)

The proposed section of the Code could be referred to as the "Pam Posthumus Law".

Proposed MCL 333.2882a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would establish a fee to cover the cost of issuing an heirloom birth certificate. The bill would require the fee to exceed the actual cost of creating the certificate and the excess revenue to be deposited in the Children's Trust Fund. The net fiscal impact would be an indeterminate increase in available revenue in the Children's Trust Fund.

Fiscal Analyst: Steve Angelotti

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.